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12/4/02  
Docket No. CDS-226

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

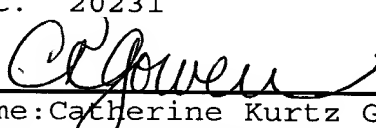
Group Art Unit: 1656

Thomas J. Cummins, et al.

Examiner: T. Strzelecka

DIAGNOSTIC COMPOSITIONS,  
ELEMENTS, METHODS AND TEST  
KITS FOR AMPLIFICATION AND  
DETECTION OF TWO OR MORE  
DNA'S USING PRIMERS HAVING  
MATCHED MELTING  
TEMPERATURES

I hereby certify that this  
correspondence is being  
deposited today with the  
United States Postal  
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mail in an envelope  
addressed to: Commissioner  
of Patents, Washington,  
D.C. 20231

  
Name: Catherine Kurtz Gowen  
Date: November 20, 2002

Serial No. 09/675,828

Filed: September 29, 2000

Honorable Assistant Commissioner for Patents,  
Washington, D.C. 20231

S I R:

REPLY TO NOTICE

This paper is submitted in response to the Office communication dated September 20, 2002, the one-month date for response to which was October 20, 2002. Applicants are filing this Reply along with a Petition and Fee for an Extension of Time for One Month, bringing the due date to November 20, 2002, which is within the statutory period for response.

The Examiner states in the Notice that the Amendment filed on June 14 (sic) 2002 in which parts of the

specification and claims 33 and 36 were amended, was non-compliant for failing to include the marked-up version of the changes to the specification and the clean version of the changes to the claims. Consequently the amendment was not entered and Applicants' arguments were not considered.

The Examiner further states that the reply (the Response to Notice of Non-Compliant Amendment, which was filed August 5, 2002) contained clean and marked-up versions of the specification changes but did not include the clean and marked-up versions of the claims. Therefore, Applicants have been required, in reply to the Notice dated September 20, 2002, to submit clean and marked-up versions of both the claims and the specification, as well as the arguments as provided in the non-compliant amendment.

Applicants herein provide the clean and marked-up versions of the specification and claims as EXHIBITS A1-A4 hereto, and also include the arguments previously provided, hereinbelow as requested by the Examiner.

After entry of this amendment claims 28, 29, 33 and 36 will be pending as follows:

F1  
28. The method of claim 33 wherein three or more target DNA's are amplified using a set of primers for each of said target DNA's, the primers in each of said primer sets having a  $T_m$  within the range of 65 to 74°C, all of said primer  $T_m$ 's being within about 5°C of each other, and said primers in each primer set having nucleotide lengths with differ from each other by no more than 5 nucleotides.